

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing  
(day/month/year) **09 JUL 2004**

Applicant's or agent's file reference  
**FP19504**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/000539**

International filing date (day/month/year)  
**27 April 2004**

Priority date (day/month/year)  
**27 April 2004**

International Patent Classification (IPC) or both national classification and IPC  
**Int. Cl. <sup>7</sup> A63H 1/30**

Applicant

**MOOSE ENTERPRISE PTY LTD et al**

1. This opinion contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion  |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43 <i>bis</i> .1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**Box No. I**      **Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 2, 6-11, 15-18	YES
	Claims 1, 3-5, 12-14	NO
Inventive step (IS)	Claims 2, 6-11, 15-18	YES
	Claims 1, 3-5, 12-14	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2. Citations and explanations:

US 6354905 (D1)

US 6599165 (D2)

GB 186281 (D3)

Claim 1

Claim 1 is not novel over each of D1, D2 and D3.

The clutch of D1, the "starburst shaped array of moveable engagement ribs" of D2 and the displaceable roller of D3 all serve as a means of "releasing the attachment of the string on the shaft while the toy is spinning", as defined by claim 1.

In relation to the above citations, see Box VIII for clarity issues of claim 1.

Claims 3-5 and 12-14

Claims 3-5 and 12-14 are not novel over D1, which discloses all features of these claims. See, especially, the figures and column 1, lines 8-52.

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**Box No. VIII**    **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. In claim 1, the term "a string attached to the shaft" is unclear. It would appear, from the specification as a whole, that this is intended to include attachment of the string to a spindle, the spindle engaging a shaft and being able to be released from the shaft. However, this would not normally be interpreted to be within the scope of the term "a string attached to the shaft".

It is also not clear if "a string attached to the shaft" can include the situation where the string is adjacent to the shaft, but not tied.

2. Further to point 1, above, the phrase "releasing the attachment of the string on the shaft", is correspondingly unclear.